BY HIS HIGHNES COUNCIL IN SCOTLAND,

For the GOVERNMENT thereof:

INSTRUCTIONS FOR THE JUSTICES OF PEACE IN SCOTLAND.

BIBLIOTHECA BODLEIANA

Monday *the Twelfth* day *of* November, 1655.

At His Highneſſe Councill in EDINBURGH,

ORdered, That theſe Inſtructions for the Juſtices of Peace be forthwith Printed and Publiſhed.

EMANUEL DOWNING,
Cl. of the Council.

EDINBURGH, Printed by *Chriſtopher Higgins*, in *Harts*-Cloſe, over againſt the Trone Church, *Anno Dom.* 1655.

4. A. 329 (1)

BY HIS HIGHNES COUNCIL IN *SCOTLAND*,

For the Government thereof:

INSTRUCTIONS for the JUSTICES of PEACE in SCOTAND.

1. **THE Commiſſioners and Juſtices of the Peace ſhall take the Oath following: You ſhall ſwear,** That you as one of the Commiſſioners and Juſtices of his Highneſſe the Lord Protectors Peace within the Shire of according to your knowledge and power, ſhall do equal Right both to Rich and Poor; And that you ſhall not be of counſel with any Perſon in any Quarrel or matter depending before you, and ſhall faithfully and truly diſcharge your Duty as a Juſtice of Peace; and ſhall endeavour, according to your power, the Preſervation of the ſaid Peace; And that you take nothing for your Office of Juſtice of the Peace, but what is, or ſhall be by the Law allowed.

2. **That no Perſon ſhall execute the Office of Juſtice of Peace, until he hath taken the Oath before-mentioned, before the Sheriff of the Shire, or before two Juſtices of the Peace who have taken the ſame; who have hereby power to adminiſter the ſaid Oath to all other Juſtices, who have not taken it, within the reſpective Shires, at their reſpective admiſſions.**

3. **That the ſaid Juſtices ſhall begin their Quarter-Seſſions at the times of the Year following,**

viz. The first Tuesday in the month of February, The first Tuesday in the month of May, The first Tuesday in the month of August, The last Tuesday in the month of October; At such places as shall be agreed on by the greater number of them, or (in default thereof) by the appointment of the Custos Rotulorum in the respective Counties; And shall have power to continue the said Sessions, or to adjourn the same to such days and places as shall be for the better Administration of Justice, and most ease to the People.

4. Any one Justice shall have power, upon complaint of any person being threatned, and fearing to be wronged, to bind the party complained upon, under such a pecunial sum to keep the Peace, as he shall think fitting; As also to commit such person to safe custody, until Surety be found by him; the said Complainer always giving his Oath before the Justice, That he hath just cause to dread his harm: And albeit no person complain, yet if the Justice be credibly informed of appearance of trouble betwixt any Parties, he shall bind them to the Peace in manner aforesaid, except the Parties declare upon their Consciences, that neither of them doth bear any grudge to the other: And all such Bonds or Recognizances shall be kept in Record by him, and he shall make delivery of the same to the Clerk of the Peace at the next Sessions, to be kept and Registred by him.

5. If any person being charged to make his appearance before a Justice or Justices of Peace, and shall refuse or delay without just cause, then the Justice, or Justices, whose Command shall be contemned, shall hereby have power to Command the next Constable, or in absence of a Constable, his, or their own Servant, or any other person having a Warrant in Writ, subscribed by the said Justice, or Justices of Peace, with assistance of the Countrey, to bring any such person before him or them.

6. If

6. If any Sheriff or Bailiff authorized in that behalf, shall condemn any person for a Battery, wherein blood is drawn, usually called Blood-Wight, or otherwise convict him in any pain proper for him to impose, the Justice shall have no power of new to fine that Offender for that offence; but if they shall finde him not condignly punished in regard of the offence committed by him, they shall then inform his Highnes Councill thereof, that they may take order therein; And if there be not satisfaction made by the Sheriff or Bailiff authorized, as aforesaid, to the Party offended, the Justices at the Sessions, may modifie and order reasonable satisfaction to the Party offended, he pursuing therefore before them: And if they shall finde the satisfaction ordered by the Sheriff or Bailiff, in favour of the said Party offended, not condign or answerable to the Offence and Wrong sustained, Then they shall also inform his Highnes Councill thereof, that they may take order therewith, as appertaineth.

7. If any Sheriff or his Deputy or Deputies, by Collusions with the Delinquent, shall suffer any person guilty, to be quitted or cleared by Jury or Assize, the Party once cleared, is not to be brought further in question before the Justices, but upon their information the Sheriff, his Deputy or Deputies, respectively are to be called, censured, and severely punished by his Highnes Councill.

8. The said Justices shall hereby have power to proceed upon all persons committing Ryots, and breaking his Highnes Peace, and to punish and fine according to the quality of the Crime, and the estate of the Offender; and if any of the said persons being charged to appear before the said Justices, shall disobey the Summons being endorsed, the lawfull Scitation verified, and Fact proved, The Justice shal punish and fine the not-appearing, according to the qua-

lity of the Crime, and the estate of the Offender; And for the more clear determination of the Order, which shalbe kept by the said Justices, in the deducing of any such Processe, It is declared, That it shalbe lawfull to the said Justices, whensoever they have occasion to move any Actions against Parties for committing any like Fact or Ryot, to refer the first Summons to the Parties Oaths of verity, in case of want of other lawfull probation, who being personally summoned by the first scitation, shall be holden as confessed, and decree to be pronounced against him, conform to the Libell and Summons; And if he be not personally summoned by the first scitation, The said Justices are to summon him again by a second Summons at his dwelling-place; which two scitations shal be as sufficient to infer Decreet and Sentence upon the Libell against him, as if he were apprehended personally: And which Sentence given, after the manner and form of approbation above-written, is declared to be good and lawfull in it self.

9. The said Commissioners of the Peace shall put the Lawes and Acts of Parliament to due and full execution against wilfull Beggers, and Vagabonds, and Idlemen and Women, without calling or trade, lurking in Ale-houses, tied to no certain service, reputed and holden as Vagabonds, and against those persons who are commonly called Ægyptians, and they shall punish and fine their Receptors, and Setters of houses to them accordingly, by such competent pains as is proper to them to injoyn.

10. The said Commissioners and Justices of Peace, are hereby Authorized, with power to give Order as they shall think most convenient, and with least charge to the Subjects, for mending all Bridges, High-ways and Passages, to, or from any Market Town, or Sea Port within their respective Shires, viz. by laying a penalty upon the County, Parishes, or Per-

Persons respectively lyable according to the estimate they shall be informed the charges of the Bridges and High-Wayes will amount unto, which penalty they are to levy and dispose of for the repairing of the said Bridges, and High-Wayes; And shall also call before them, all such persons as shall straighten those High Wayes and Passages, or otherwise by casting of Ditches or any other Trenches through the same, shal make those High-Ways noisome and troublesome unto Passengers, and shal punish them, and fine them according to the quality of their offence; And to the effect it may be known, of what breadth all Common High-Wayes should be to Market Towns, It is declared, that the same should be of Twenty foot of measure in breadth, at the least, and where any are of larger breadth, it is ordained, the same so to remain unaltered or straightned; And that the said Justices, cause the same to be maintained, with all other Wayes from any Town in the Parish, to the Parish Churches, in the same breadth as they are, and where they finde any necessity of other Wayes from any Town in the Parish, to Parish Churches, they shall inform His Highnesse Council thereof, who shal give them, after sufficient Information their direction therein, according whereunto they shall be holden to proceed; and if any County, Parish, or Person to whom it belongs as aforesaid, shall refuse or neglect to concur for mending of Bridges, High-Wayes, and Passages, the said Justices shal have Power to censure and punish them according to their discretion, due regard being had to the quality and nature of the offence; also they are to take care, that sufficient Fery Boats, and Bridges for Horses within the same where Horses ought to be Ferried, be provided and kept in repair by the Ferrier, upon the penalty by the Acts of Parliament in that case provided upon the Ferrier, who shall neglect to do the same.

11. The said Commissioners for the Peace, shall put the Acts of Parliament to execution against Cutters and destroyers of Planting, Green-Wood, Orchards, Yards, Hedgings, breakers of Dove-houses, killers of Deer, and trespassers in Parks, and Conningers, stealers of Bees, and Bee-hives; users of unlawfull Games with setting Dogs, slayers of red and black Fish, and Smolts in forbidden time, Fowlers, fowling in other mens Lands, makers of Moor-burn, and Mos-burn, setters of Crewes, or Nets, in Waters and Dames, having and keeping of Crewes and Yares in forbidden time, and shall proceed against them accordingly; And for their better proceedings, It is declared, the said Justices of Peace may try and punish the violaters of the said Acts, in the tryall whereof, they shall proceed, by Witnesses, by Oath of Party, and punishment to be inflicted by them, according to the circumstance of the Offence, and the quality of the Offender, by a pecunial sum or corporall punishment, and no other, with the provision; That the said Commissioners of the Peace, shal not extend this Power to any persons who shall be arrested, and convened for the said Crimes, before any other ordinary Judge; tis also Provided, That the Power contained in this Article, shall no wayes be prejudiciall to any Commissions, or Rights granted to others, and now in force, whereby they have power to proceed and censure the Crimes and Offences abovewritten.

12. The said Commissioners of the Peace shall put in execution the Acts of Parliament for punishing all Forestallers, and Regraters of Markets.

13. No In-keeper, or Hoastler, shal receive any Masterlesse Men, Vagabonds, or other person or persons guilty of known Crimes, or using Stealth and Robbery, under the pains underwritten, to wit, 40 s. to be incurred by them for the first fault, 4 l. for the second, and 10. Merks for the third, Scots Money, together with

with the losing of the Liberty of Brewing and selling Drink, the incurrers of which pains shall be punished according to the order aforesaid, by the said Justices, who shall have power to pursue and fine the Delinquents in their Courts or Sessions, according to the Pains aforesaid, and to levie or up-lift the said Pains and Fines from them, without prejudice of all Actions Criminal or Civil, competent of the Law against the said In-keepers or Hoastlers, in case they be in the danger thereof, which shall not be taken away by any punishment set down, and to be inflicted, conform to this Instruction.

14. The said Commissioners of the Peace, shal put in execution the Lawes concerning Malt-makers, against all breakers and contraveners of the said Lawes.

15. They shall set down order in the Countrey for Governance in time of Plague, and shall punish severely the disobeyers of the Order appointed by them, according to the quality of the offence.

16. They shal appoint at their Quarter Sessions, to be kept in February, and August, the ordinary Hire and Wages of Labourers, Work-men, and Servants, and who shall refuse to serve upon the price set down by them, shall be Imprisoned, and further punished at their discretion; And to the effect that Servants may be the more willing to obey the Ordinances to be made by the said Justices, and the said Fees, or Wages, the said Justices shall have power to discern, and compell the Masters to make payment of the Fees, or Wages, appointed by their Ordinance, incase the Servants please rather to pursue for the same before them then any other Judge.

17. The said Commissioners of the Peace, shall take notice, that in all Sheriffdoms where there are any Gaoles and Prison-houses within any Burgh, that the same may not be suffered to decay or become

 ruinous,

ruinous, but be kept up at the charge of the Shire, where the respective Burgh is not chargeable therewith by Law; And if there be any Shire where there is not any Gaol or Prison-house, they shall inform his Highnesse Council thereof, that they may appoint and give Order for building of one, in some convenient place within the Shire; and according to the Directions to be given thereupon, the Justices shal be holden to proceed.

18. And because there may be a great many of Prisoners apprehended and committed, who having no means of their own for their maintenance and entertainment, will otherwise famish and starve before they can come to their Tryals, who nevertheless, in regard of the Crimes they have committed, can no wayes be put under Surety, or otherwise, in Faults of lesse consequence, are unable to find sufficient Caution to be made forth-coming and answerable at the next Sessions; Therfore it shall be lawful to the said Commissioners and Justices, at their Quarter-Session, to rate every Parish for a Weekly proportion, for the entertainment of those poor Prisoners, Provided that they do not exceed the sum of Five shillings scots money at the most, nor under One shilling at the least; which Sum shall be raised and up-lifted for that use, by the Minister, or Reader, who shall serve at every Parish, from such Deacons who shall be appointed to collect the same, And the said Sums to be delivered by the Constable of the Parish at the Quarter-Sessions in presence of the whole Bench then convened, to such persons as the said Justices shall trust therewith, and who accordingly shall make due Accompt, in paying the Gaolers such rates as shal be allowed for the poor Prisoners, and making the rest forth-coming for such use and intent of the like nature, as the said Justices shall appoint.

19. All Magistrates of Burghs, and Keepers of any

any Gaols and Prisons, shall receive into their Prisons all such Persons as shall be brought by the Constables, or any other persons, having Warrant under the hand of any one Justice of Peace (the said Justices causing satisfaction to be made for their entertainments:) And if any Magistrates, or their Gaolers, suffer any persons, committed by the Justices to their Prisons, to escape, they shall be condignly punished therefore, at the discretion of his Highnesse Councill.

20. The said Commissioners are to set a Price upon Craftsmens work, and upon the Ordinary of Penny-Bridals, together with the Price of Shearers Fees, and to punish the Contravaeners, as appertaineth.

21. The said Justices shall take care, That good and wholsom Beer and Ale be brewed in every Shire, and shall appoint Visiters to that effect.

22. The said Justices shall put in execution, all Acts of Parliament, made for punishing all persons whomsoever, who shall Curse, or profainly Swear, or shall be Mockers and Reproachers of Piety, or the Exercise thereof, and shall require and levy upon every Offender the severall Penalties following; viz. Of a Noble-man, Twenty pounds; each Baron, Twenty marks; each Gentleman heritor, or Burgesse, Ten marks; each Yeoman, Fourty shillings; each Servant, Twenty shillings Scots money; each Minister the Fifth part of their Years Stipend, without prejudice to other Proceedings against any such Minister for the same. And in any of all the Cases before specified in this Instruction, the said Justices shall then put in execution all such Laws, as for corporal punishments, have any provision mentioned in them for such Cases: And in case of the Inabilities of the parties Delinquents, to pay the fore-mentioned Penalties in any of all the Cases before mentioned in this Instruction: The said Justices shall put in execution (as

for corporal punishments) such Acts of Parliament as are made and provided in that behalf: And that the Wives Delinquents, as aforesaid, shall be punished according to the quality of their respective Husbands, And that their Husbands be liable for payment of their Wives Fines respectively in manner above mentioned, toties quoties, for each fault: And all others whatever, not particularly herein enumerated, are to pay in proportion to their respective qualities and degrees. And also the said Justices are to put in execution the Acts of Parliament, made for the punishing of all persons that shall be found guilty of the sin of Fornication, and shall levy, or cause to be levied the several pecunial Sums therein mentioned, viz. For each Nobleman for the first Fault, Four hundred pounds; each Baron and Landed-Gentleman, Two hundred pounds; each other Gentleman and Burges One hundred pounds; each Farmer Twenty five pounds; every other Person of inferior quality Ten pounds Scots money; and that these Penalties shall be doubled, toties quoties, according to the Relapses of the degrees of the Offence, and quality of the Offenders; And that the said Penalties shall be levied, not only of the Man, but also of the Woman, according to her quality, and the degree of her Offence, the one without prejudice of the other: All and sundry which Penalties so to be levied, are to be disposed of as followeth; to wit, One half to Pious Uses in the same Parish where the Offender lives, or the Offence hath been committed; and the other half to be divided into two equal parts, one part whereof to be given to the Informer and Prosecutor, and (out of the other half) to satisfie the Constable or other Person, who shall be imployed for bringing the Party accused to Justice; and the remainder to be disposed of to Pious Uses, or towards satisfying of the Constables for their travels and services in other parts of their Office,

Office, according as the Justices shal think fit. That the said Justices shall put the Acts of Parliament in execution, for the punishing of all persons found guilty of the sin of Drunkennesse, or Excessive Drinking, especially under the name of Healths, or of haunting Taverns or Alehouses after ten of the clock at night, or at any time of the day, except in time of travel or for ordinary refreshments; As also against the keepers of Taverns or Alehouses that shall sell the Drink unto them; which Penalties in the said several Acts contained, the said Justices are to levy, or cause to be levied upon the said Delinquents; and the said Penalties are to be disposed of by the said Justices in like manner as aforesaid.

23. The said Justices shall put in execution all Acts of Parliament, made against such persons as shal prophane the Lords Day, and require or levy the Penalties therein contained; which Penalties so raised, the said Justices are to dispose of in like manner as aforesaid.

24. Any two or more Justices of Peace shall be a sufficient number to decide, in matters occurring betwixt the four Quarter-Sessions, in their respective Shires.

25. The said Justices of Peace, as well to Burgh as Land, shall conveen and be present at the Quarter-Sessions of the Shire where the Burgh and Land lyes, make their Record, and make payment of the Fines intromitted with by them, as Justices of Peace of that Shire, to their Collector.

26. The said Justices are impowred to appoint a sufficient Collector for levying the Fines and Penalties which they have power to impose upon any Offender, and are to take Caution or Security of him for making due accompt.

27. The said Justices shall have, during the time of Quarter-Sessions, for every day of their abode (so

it do not exceed the number of three dayes at the most at one time) allowed for every one of them, Fourty shillings Scots money, daily to be paid and uplifted by the Collectors of the Fines; And all such Justices as take the benefit of that allowance, and shall be absent from any Quarter-Sessions in their respective Division, shall incur the Penalties of Fourty pounds Scots money, not having a lawful Excuse, allowed of as such, by the rest of the Justices there assembled.

28. The Commissioners for Administration of Justice to the People in Scotland, shall direct general and summary charges of Horning and Poinding at the instance of the Collector (appointed in every County for ingathering of all Fines and Penalties whatsoever incurred) upon simple Charges of Fifteen dayes, and no Suspension shall be granted but upon consignation of the Sums contained in the Sentence, and by finding Caution for payment of the Charges at the modification of the said Commissioners.

29. And at what time and whensoever any person shall accuse any person or persons, to be guilty of Treason, Murder, or other Felony, Blasphemy, Incest, or any other heinous Crimes, in such case the said Justice or Justices shal forthwith cause such person or persons to be apprehended, & after inquiry made into the case, the said Justice or Justices, if they find cause, shall commit the Offender to Prison, or take sufficient Bail, if the case by Law be bailable, And shall take the Information of the party accusing upon Oath, and binde him to prosecute, and shall take the Testimony or Depositions of the Witnesses likewise upon Oath, and binde them to give in Evidence, And shall also take the Examination of the party accused: All which Recognizances, Informations, Depositions and Examinations, the said Justice, or Justices, shall certifie to the next Quarter-Sessions, Assizes or Criminal Courts for Gaol-delivery respectively, to the end

end the Justice may proceed against them according to the Law.

30. And forasmuch as there have been divers Acts of Parliament made for maintaining of the Poor in every Parish, It is Declared, That the said Justices shall take care to put the said Acts in execution: viz. They shall appoint two or more persons of good fame & quality in every Parish to Landward, to be Overseers for the Poor in each Parish aforesaid, and to authorize the said Overseers to take due tryal and examination of the condition and number of such Poor, Aged, Sick, Lame, and Impotent Inhabitants of the said Parish, who (of themselves) have not to maintain them, nor are able to Work for their living; as also of all Orphans and other poor Children within the said Parish, who are left destitute of all help, And the said Overseers are to list and inroll all such persons, and to provide them such convenient house for their dwelling, either apart or together, as they shall judge requisit; And upon consideration had what their necessary maintenance will extend to weekly, the said Overseers are to call for the Collections of the said Parish, or other sums appointed for the maintenance of the Poor thereof, And the persons who have the said sums in their hands, are hereby required to deliver the same to the said Overseers, and their Receipts under their hands shall be their sufficient Discharge; which sums so received, the Overseers are to distribute proportionably to the several poor People aforesaid, according as they shall find their necessities to require: And where the Collections and other moneys aforesaid are found deficient for the maintenance of the said Poor, the said Justices are herby impowered to give order to the said Parish, to lay a Tax or Sesse upon the whole Parishioners or Inhabitants, according to the estimation of their estates and conditions, for such a weekly or monthly Contribution as shall be

found necessary towards the maintenance of the said Poor, and putting the said Orphans to Schools or Callings as they shall judge them fittest for, & to take care that it be effectually done: And, the said Overseers are to demand and receive from all and every person of the said Parish according to the said Stint or Tax; and in case any person or persons shall refuse to make payment of the said Proportions, upon representing thereof to the said Justices, they shall give Order for the Distreining and Pounding of their Goods for payment thereof. And the said Overseers are to take due tryal of the good behaviour and carriage of the poor Persons listed and inrolled as aforesaid, That if any of them, being so provided for, do go abroad to beg, or otherwise miscarry themselves, or shall refuse, being able, to work any manner of work that they are able to perform, in such cases the said Overseers are to acquaint the said Justices therewith, who shall appoint such punishments for the first fault as in their judgments they shall finde requisite; And if they shall continue in such miscarriages, they are to be held and reputed as Vagabonds, and so to be proceeded against according to the Law in that case provided. And to the end that there may be a due and exact performance of the Premises, The said Justices are hereby required to call before them the said Overseers, once in every six moneths, or oftner if they shall think it expedient, to give an Accompt upon Oath of the whole Sums received by them, and to produce the Roll of the said Poor, together with the Stint Roll, and an Accompt of what Moneys they have received any other ways for the use of the said Poor, and after a due consideration of the Charge, together with the Discharge thereof, to approve, allow, or disalow the same as shall be found just. And the said Justices are to take due tryal and examination how the said Overseers have discharged their Trust; and in case of the refusal

refusal of any of the said Overseers, nominated and elected as aforesaid, to accept the said Office, or having accepted, shal be found negligent therein; or shal refuse or delay to give an Accompt of their Intromissions when required, as aforesaid, or to deliver what Moneys shall be found resting in their hands, un-disposed of at the end of the year, unto such new Overseers as shall be appointed: In such cases the Offenders shall incur the penalty of Twenty pounds scots, to the use of the Poor, and to suffer such further Censure as the said Justices at their Quarter-Sessions, upon consideration had of their fault, shall see meet to impose.

A Form of Warrants, Recognizances, and Mittimus's, to be used by Justices of the Peace in their respective Counties, as their respective Cases shall require.

A general Warrant for Felonies, or other Misdemeanours.

Mid-Lothian THese are in the Name of his Highness the Lord Protector of the Commonwealth of England, Scotland and Ireland, to charge and command you, To give Summons, or to bring before me, or some other of his Highness Justices of the Peace of to answer such matters as are already complained of, and shall be then further objected against him, concerning

And that he come provided with sufficient Sureties to be bound as the Cause shall require: Hereof fail not. Given under my hand the day of

To the Constables of
and to either of them, or to their Deputy or Deputies.

Mid-Lothian WHereas A. of hath taken his corporal Oath before me, That B. hath threatned to burn his houſe, beat himſelf, his wife or children; whereupon he is afraid of bodily harm to be done to him, his wife or children, by the ſaid B. or by his procurement: Theſe are therefore in the Name of his Highneſſe the Lord Protector of the Commonwealth of England, Scotland and Ireland, to charge and command you, to bring the ſaid B. before me, or ſome other of his Highneſſe Juſtices of Peace of this County, provided with ſufficient Sureties, to be bound with him for his appearing at the next Quarter-Seſſions to be held for this County or Diviſion, then, and there to anſwer the Premiſes; And that in the mean time he ſhall keep his ſaid Highneſſe Peace, towards his Highneſſe and all the People of this Nation, and more eſpecially towards which if he ſhall refuſe to do, That then you carry him the ſaid B. to his Highneſſe Gaol at the Burgh of there to remain till he ſhall do the ſame, or be delivered by due courſe of Law.

Given under my Hand and Seal the day of

The like Warrant for Good-behavior, as the caſe cauſe ſhall require.

Recognizance

Recognizance for Sureties.

Mid-Lothian. A. B. of in the County of Yeoman, came before me, one of his Highnes Juſtices of Peace in the ſaid County, the day of in the year of and then did acknowledge to owe unto his Highnes the Lord Protector of the Commonwealth of England, Scotland and Ireland, the ſum of pounds ſterling, to be levied upon his eſtate reall and perſonall, to his Highneſs uſe. And likewiſe C.D. of and E.F. of did each of them acknowledge to owe unto his ſaid Highnes the ſeveral ſums of pounds ſterling a piece, to be levied upon their reſpective eſtates both real and perſonal, to his Highneſs uſe; Upon condition, nevertheleſs, That if A.B. ſhall perſonally appear before his Highnes Juſtices of Peace, at the next Quarter-Seſsions, and then anſwer ſuch matters as ſhall be objected againſt them by concerning And in the mean time keep his Highneſs Peace towards his Highneſs, and all his and more eſpecially towards And not depart the Court without Licence; Then the aboveſaid Recognizance to be void.

Taken and acknowledged before the day of in the year of

A. B. of in the County of Yeoman, came before me, one of his Highneſs Juſtices of Peace in the ſaid County, the day of in the year of And then did acknowledge to owe unto his Highneſs the Lord Protector of the Commonwealth of England, Scotland, and Ireland, the ſum of pounds ſterling, to be levied upon his eſtate reall and perſonall, to his Highneſs uſe.

Upon condition, That if the ſaid A. B. ſhall appear before his Highnes Juſtices of Peace to be held for this County or Diviſion at the next Quarter-Seſſions, And then proſecute his Highneſs Evidence againſt concerning that then this Recognizance to be void.

Upon condition, That if A. B. of do perſonally appear before his Highnes Juſtices of Peace at the next Quarter-Seſſions to be held for this County or Diviſion, and then teſtifie his knowledge concerning certain miſdemeanors, whereof ſtands charged, or is ſuſpected, and not depart the Court without Licence; Then this Recognizance to be void.

Taken and acknowledged before the day of in the year of

Mid-Lothian. I Send you herewithall the body of brought before me this day, and charged with a felonious taking and carrying away Cloth and being the Goods of or taking and driving away certain Sheep and being the Goods of with aſſault of and taking from his perſon, goods or money or with the wilfull murder of or the mortall wounding or with any other felony to be expreſt, or the ſuſpicion of it; Him therefore receive into his Highnes Goale and Priſon in the Burgh of And there him ſafely keep, untill he ſhall be thence delivered by due courſe of Law: hereof fail not, &c.

Given under my Hand and Seal the day of

To the Keeper of his Highneſs Goale at the Burgh of

And

And it being found necessary for the better execution of the Office of Justices of the Peace, that Constables should be appointed in every Parish throughout this Nation, It is Declared, That any two Justices of Peace in each respective Division in the several Counties and Shires, are impowred assoon as conveniently they may, to nominate and appoint two, or more, fit persons in every Parish according as they shall find needful, to be Constables, and give them their Oath, for the observing and putting in execution the Instructions following.

Likewise in great Towns, not being Cities nor free Burghs, the said Justices are to appoint a number of Constables proportionably to the greatness thereof, all which Constables are to be Nominated and Elected once every Year, or oftner if the said Justices shall find just occasion; And the Magistrates of all Cities and free Burghs are to Elect so many fit Persons to be Constables in the said Cities and Burghs as they shall find needful, having consideration of the quality thereof, and to give them their Oath for putting in execution the said Instructions; which Constables so to be Elected, are to be changed every year.

And if any of the Constables nominated and elected as aforesaid, shall refuse to accept the said Charge, and not take his Oath for dutiful execution thereof, shall be imprisoned and fined at the discretion of the Justices of Peace at their next Sitting.

The Constables shall take the Oath following.

YOu shall swear, That you shall faithfully and truly discharge your Office of Constable, within the Parish of

Instructions for Constables.

1. ALL the Constables, or at least one of every Parish, instructed with power to answer for the rest within the said Parish, shall attend at every Quarter-Session, there to give Information of all such Breaches of the Peace, and other Misdemeanors as have hapned within their Bounds from the preceding Sessions, and hath come to their knowledge, and shall no way hide, cover nor conceal the same, nor any of the Proofs and Evidences which they can give for the clearing and proving thereof, and otherwise to give the Bench further satisfaction in any thing wherein they shall be required; and to receive from the said Justices at the end of the Session, such Orders and Directions as they shall then enjoyn and appoint.

2. Every Constable in their respective Parishes, shall apprehend any suspitious persons who are night-walkers, and cannot give a good accompt of themselves, and carry them to the next Justices of Peace to find Surety for his good behaviour, or otherwise to be committed to Prison; And the said Constable or Constables, shall stay and arrest all Vagabonds, sturdy Beggars and Ægyptians, and carry them before some Justice of Peace, who shall take order for their committing to Prison, or other punishment, according to the Statutes of Parliament.

3. Every Constable in their respective Parishes, shall arrest all Idle persons whom they know to have no means to live upon, and will not betake themselves to any labour, trade or occupation, and shall carry them before some Justice of Peace, who, after examination, shall either commit them to Prison, or take Surety of them for their appearance at the next Quarter-Sessions.

4. All

4. All Constables in their respective Parishes, shall apprehend every person or persons, that shall be guilty and culpable of Slaughter, Murder, Theft, or any other capital Crime whatsoever, and shall require his Neighbours to assist for safe conveying of such person or persons to the next Justice of Peace, who shall commit him, or them, or take Surety, according to the Instructions given to the Justices of Peace in such like cases.

5. If any person or persons, shall refuse or delay to assist the said Constable or Constables, in executing his or their Offices, such persons so refusing or delaying, shall be imprisoned, or otherwise punished by the said Justices at their Sessions.

6. A Constable shall arrest any person, not being in his Highness Service, who shall be found wearing Haugbuts, or Guns, or Pistols of any sort, and shall carry them before some Justice of Peace, who is either to take Surety for their Appearance the next Quarter-Session, or commit them Prisoners till they do the same; Unless they be licensed from the Council, or the Commander in chief, or some impowred from them, or him, to give such Licences.

7. Upon the Appearance of any Fray or Strife between Parties, the Constable shall require the assistance of his Neighbours for sundring of the Parties; and if there be any harm done to the Constable or any of the Assistants by them who made the Affray, they shall be punished by the Justices at the next Session.

8. When any person or persons have made an Affray, and then flee to an House, the Constable, or Constables, may follow to the House; and if the Doors be shut, he shall require the Master, or the then Keeper of the House, to open the Doors; which if he or she shall refuse, he shall take notice of the said Master or Keeper of the House, and require Witness thereon; and albeit the Delinquent shall flee further,

without the bounds of the Constables Charge, yet may the Constable follow and apprehend him in a fresh pursuit, and require concurrence of the Country to that effect.

9. The Constables in every Parish shall execute all such Precepts and Warrants as they shall from time to time receive from the Justices of the Peace.

10. And that the said Constables may have reasonable satisfaction for their travels, It is Declared, That the Justices shall allow unto them out of the Fines aforesaid, as in their discretion they shall think their labour and diligence doth deserve, not exceeding Twelve pence per diem for each day they shall attend the Sessions, or be imployed in carrying Delinquents to Prison.

Monday *the Twelfth* day *of* November, 1655.

At His Highnesse Councill in EDINBURGH,

ORdered, That these Instructions for Constables be forthwith Printed and Published.

EMANUEL DOWNING,
Cl. of the Council.